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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000793

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TAGS: [PGOV](#) [KJUS](#) [KCRM](#) [EAID](#) [KDEM](#) [UNMIK](#) [KV](#)

SUBJECT: KOSOVO: ALBIN KURTI'S TRIAL RESUMES

REF: A. PRISTINA 112

[B](#). PRISTINA 164

[C](#). PRISTINA 453

[D](#). PRISTINA 705

Classified By: CDA Alex Laskaris for reasons 1.4 (B) AND (D)

[11.](#) (C) SUMMARY: Vetevendosje/Self-Determination Movement (SDM) leader Albin Kurti's trial resumed on November 15. The atmosphere, again, was circus-like, with Kurti trying to make political statements and the presiding judge repeatedly yelling at him to "get to the point" and "move on." It started late, and was quickly recessed because defense attorney Ibrahim Dobruna, who had been named only the night before, failed to show. The three-judge panel then returned belatedly from the recess with a new defense attorney, Fazli Balaj, in tow. The proceeding was interrupted shortly after it resumed thanks to three new motions from Kurti and Balaj, on which the judges had to rule before moving on to the substance of the main trial. At one point, they seemed poised to lift Kurti's house arrest altogether, but his refusal to promise the court that he would present himself at further proceedings convinced them otherwise. The trial resumes on December 4. In the meantime, from a previous ruling, Kurti's house arrest has been eased. END SUMMARY.

Background

[12.](#) (SBU) Vetevendosje/Self-Determination Movement (SDM) leader Albin Kurti's main trial on charges stemming from the violent February 10 SDM demonstration began on September 19 (reftel), but was quickly recessed when Kurti made a motion to dismiss the international three-judge panel. On October 10, the Pristina District Court rejected that motion. Kurti went before the court again on November 9, and they extended his house arrest until January 11, 2008 and determined that his main trial would resume on November 15. The defense attorney immediately filed a request to terminate the house arrest, and another detention hearing was scheduled for November 14. At that hearing, the international three-judge panel relaxed Kurti's house arrest, permitting him to leave his home from 10:00 a.m. to 7:00 p.m. each day except on days when his main trial is in session.

Kurti's main trial finally resumes

¶3. (C) Kurti's main trial finally resumed on November 15, in a small, but packed Pristina courtroom. The atmosphere was slightly better than that of September 19, but still circus-like, with Kurti trying to make political statements and Presiding Judge Maurizio Salustro repeatedly interrupting and yelling at him to "get to the point" and "move on." Judge Salustro called a recess almost immediately so the judges could try to reach court-appointed defense attorney Ibrahim Dobruna, who had failed to show up for the proceedings. Dobruna had been named the defense attorney the day before, but, according to Prosecutor Eli Koppel (protect), had submitted a letter saying he would only represent Kurti if Kurti wanted him to do so. (Note: Kurti has said from the beginning that he will not accept a defense attorney appointed and paid by UNMIK. End Note.

New defense attorney materializes and new motions quickly follow

¶4. (SBU) Much to everyone's surprise, the three judges returned belatedly from the recess with a new defense attorney, Fazli Balaj, in tow. As soon as he was given the floor, Kurti made a motion to dismiss the international three-judge panel, citing their disrespectful behavior from September 19 onward and alleged irregularities, including the reading of a new indictment at the start of the September 19 proceedings (reftel). Kurti said he had a right to know the charges against him and informed Judge Salustro that he had never received the new indictment. Salustro seemed confused at first, but Prosecutor Eli Koppel reminded him of the new indictment and the fact that the prosecution had neither

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filed it nor requested that it be merged with the first indictment. At that point, Balaj jumped in, saying he was surprised by the new indictment and the fact that he had not been informed of additional charges against his client. Judge Salustro said it was all a misunderstanding and that everyone should forget about that indictment. He explained that the September 19 indictment had never been confirmed and that Kurti was only being tried for the charges contained in the confirmed indictment which served as the basis for the main trial that began on September 19.

¶5. (SBU) Kurti also complained that he had not been informed of the trial eight days prior to its resumption as provided for in the Provisional Criminal Code of Kosovo (PCCK). He said he had only learned of it six days earlier at the detention hearing. Balaj jumped in again, this time asking the judges to lift Kurti's house arrest. Kurti then piped up and told the judges that he did not accept Balaj as his attorney. Koppel, who seemed open to allowing Kurti to represent himself, joined the fray, asking Salustro to clarify whether Balaj's role should be interpreted as that of "a zealous advocate (for Kurti) or a stand-by counsel to protect the defendant's rights." Salustro brusquely informed Koppel that the three-judge panel "doesn't give guidelines." He then pressed Kurti to see if he agreed with Balaj's motion to lift the house arrest order. Kurti calmly reminded Salustro that his motion to dismiss the three-judge panel came before Balaj's motion. After a heated discussion, Kurti finally responded that he in fact wanted to be released immediately. Salustro then ordered everyone OQ/TQ summoned everyone back into the courtroom and informed Kurti that his motion to remove the three-judge panel was denied and that his objection to receiving only six days notice of the trial resumption was unfounded. Judge Salustro explained that the three-judge panel's behavior was justified by the fact that it had a "duty and responsibility" to "control the hearing and regulate the discussion." He also pointed out that Kurti's reading of the PCCK regarding the eight-day notice had been incorrect. He said it only called for eight days' notice of the opening of the trial, not subsequent sessions. He also noted that the intent was to give the defense ample

time to prepare and that Kurti had known since September 19 that he would have another day in court.

¶7. (SBU) Judge Salustro then turned to the question of lifting Kurti's house arrest. He said "off-the-record" that he was inclined to do so if Kurti agreed to show up in a timely manner for all future proceedings. Kurti defiantly replied that it went against his principles to promise the court anything. He also seized the moment to complain about the fact that Judge Salustro had just ruled on his own behavior. Just as the three-judge panel seemed poised to uphold their earlier decision based on Kurti's refusal to cooperate with the court, Balaj jumped in and urged them again to lift the house arrest order. Judge Norbert Koster interrupted and offered Balaj some "off-the-record" advice, pointing out that he was actually doing a disservice to his client since Kurti had indicated that would not show up for future proceedings. Judge Koster explained that as soon as Kurti failed to appear in court, the police would be compelled to arrest him and put him in jail, which would be much worse than house arrest with an opportunity to leave home for nine hours a day. Balaj persisted, but Judge Salustro finally denied the motion and upheld the November 14 house arrest decision.

¶8. (SBU) The actual main trial finally got underway in the early afternoon, leaving the prosecutor little time to go

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through the indictment and advance his case. The court finally adjourned until December 4.

¶9. (C) COMMENT: The court's pandering to Kurti's antics and its willingness to relax the house arrest order, particularly in the face of Kurti's defiance, remain baffling. As much as Kurti would like to politicize the trial, the charges are that he instigated violence on February 10 that led to the death of two individuals. We will continue to follow the proceedings, but are not optimistic that the actual charges will take center stage.

LASKARIS